

**Notice of Allowability**

Application No.

10/684,985

Examiner

Todd Ingberg

Applicant(s)

CULTER, BRADLEY G.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/2/2006.
2. ☒ The allowed claim(s) is/are 1-8, 10-18, 20, 22-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/2/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**TODD INGBERG**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The title of the application has been amended as follows:

**FRAMEWORK FOR FIRMWARE DEVELOPMENT FROM DIFFERENT DESIGN  
CENTERS ACCESSING AND DEPOSITING CONTEXTUAL INFORMATION ABOUT  
COMPONENT(S) WITH GENEALOGY INFORMATION IN A REPOSITORY**

## REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance broken into the following sections:

### I. General

Information Disclosure Information

Title of the Invention Argument

Overcoming of the Rejection under 35 U.S.C. §101

Allowability of the Independent Claims

Independent Claim 1

Independent Claim 12

Independent Claim 20

Allowability of the Dependent Claims

### II. Information Disclosure Information

The Information Disclosure Statement filed November 2, 2006 containing the document "Intel Itanium Architecture Software Developer's Manual", Vol. 2, cited in the IDS filed November 3, 2003, has been considered. Examiner "**Thanks**" Applicant for providing the document.

### III. Title of the Invention Argument

The following is the Applicant's argument over the title objection.

*"The present Office Action objects to the title of the application asserting that it should not have legal words like "method" and "system", see page 2 of the Office Action. The Examiner cites no authority for this objection, and offers no explanation as to why words like "method" and "system" are considered "legal words" that are not permitted in a patent application's title. Applicant finds no authority in 37 C.F.R. §1.72 or M.P.E.P. §606 for objecting to an application's title for containing the words "method" and "system". Further, a review of the USPTO's online database of issued patents reveals that since 1976 the USPTO has issued 329,586 patents that have a title containing the word "system" and 641,637 patents that have a title containing the word "method". Thus, this further evidences that no authority exists for objecting to the use of such words which are so widely used in patent titles issued by the USPTO. Accordingly, Applicant respectfully requests that the objection to the title of the application be withdrawn."*

The following is the Examiner's Response to the Argument.

The MPEP section 606 [R-5] Title of Invention states "The title should be brief but technically accurate and descriptive...". The Examiner does not find the Applicant's title to meet this

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requirement. Having invited the Applicant to participate in the naming of the invention and having non resolute results, the Examiner will change the title of the invention.

In response, to the Applicant's indicating issued Patents have the word "System" in the title. Members of the Patent Bar should know Examiners are not allowed to make comment on the validity of issued patents, as a matter of conduct and policy. Also, in the MPEP the Examiner can rename the title of the invention. See the Examiner's amendment for the new title of the invention.

#### IV. Overcoming of the Rejections Under 35 U.S.C. §101

The prior rejection under 35 U.S.C. §101 has been overcome by amendment. The following is why the independent claims pass the Office's current policy. All independent claims are covered not just Claims 20-25.

The action words of **deposited** and **stored** lead to the tangible result. The repository is tangibly embodied on a computer readable medium. Firmware to one of ordinary skill in the art understands is hardware. A working definition is firmware is hardware that acts like software. The invention employs software to make the hardware. The means of the independent claims necessitate a combination of hardware and software when interpreted in light of 112, 6th paragraph and the disclosure supports this combination. the independent claims are presented below emphasizing the portions of the claims that illustrate the claims meet the Office's policy for 35 U.S.C. §101.

##### Claim 1

(Currently Amended) A method for developing firmware, the method comprising: defining a framework for firmware to be developed by firmware developers at different design centers; at least one of said firmware developers developing firmware as at least one component within said framework; and depositing said at least one component within a repository that is accessible from all of said design centers, wherein said **repository includes contextual information about said at least one component deposited therein and wherein said contextual information about said at least one component comprises genealogy information for said at least one component that specifies a developmental relationship between said at least one component and at least one other component in said repository.**

##### Claim 12

(Currently Amended) A business method for development of firmware across a plurality of design centers, said business method comprising: defining a framework for firmware to be developed at different design centers; developing firmware as components within said framework at least some of the design centers; depositing said components within a repository that is accessible by all of said design centers, wherein said repository includes contextual information about said **components deposited therein and wherein said contextual information about said components comprises genealogy information for said components that specifies a developmental relationship between said components in said repository.**

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Claim 20

(Currently Amended) A system comprising: a plurality of different design centers communicatively coupled by a communication network to a repository, said repository accessible by firmware developers of the design centers; and **wherein said repository stores firmware components and contextual information for the firmware components** and wherein said contextual information for the firmware components comprises genealogy information for said firmware components that specifies a developmental relationship between said firmware components in said repository.

**V. Allowability of the Independent Claims**

Applicant's arguments for independent claim 1 is persuasive and the basis for most of the present arguments for patentability. The following covers the arguments for the independent claims.

**Independent Claim 1**

The following is Claim 1.

(Currently Amended) A method for developing firmware, the method comprising:

- defining a framework for firmware to be developed by firmware developers at different design centers;

- at least one of said firmware developers developing firmware as at least one component within said framework; and

- depositing said at least one component within a repository that is accessible from all of said design centers, wherein said repository includes contextual information about said at least one component deposited therein and wherein said contextual information about said at least one component comprises genealogy information for said at least one component that specifies a developmental relationship between said at least one component and at least one other component in said repository.

The following is Applicant's Argument for Independent Claim 1

"The combination of Killian and VSS fails to teach or suggest at least the above emphasized element of claim 1. That is, neither Killian nor VSS teaches or suggests contextual information about a component that specifies a developmental relationship between the component and another component.

Killian does not teach or suggest any such contextual information. To the extent that Killian teaches or suggests a developmental relationship between different firmware components, Killian provides no teaching or suggestion of storing contextual information that specifies such developmental relationship.

Further, VSS does not teach or suggest such contextual information. VSS appears to provide a file management tool that provides an environment that developers can use for managing their software code files. The VSS management tool allows for the files to be checked out and checked-in to allow developers to coordinate their editing of the files. The VSS tool appears to allow developers to define a "project" in which all files for a given project can be stored under the defined project/directory, which aids the developers to better organize and find

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files related to a given project. The VSS tool also provides a history service for each file. For instance, page 15 of VSS explains:

Visual SourceSafe tracks files on a change-by-change basis; the program has several different versions of any one file in its database. This is known as its history. In the example crisis just narrated, you could easily call up the file's history, choose the version of the file you know is correct, then roll back to an earlier version. This makes history a valuable tool for correcting errors; its applications, however, can be much larger.

History allows you to track usage and changes within the file. From a managerial point of view, this is invaluable. You can determine who has accessed the file how many times, and more importantly, how many changes they made. In the case of an ever-evolving project, you can track down what changes occurred when, in order to determine what changes were the beginning of a new paradigm, and which were creeping featuring.

VSS does not teach or suggest storing contextual information about a component that specifies a developmental relationship between the component and another component. As provided in the above-quoted portion of VSS, the history service of VSS does not specify a developmental relationship between different components. Rather, the history service of VSS tracks the edit history of a given file (or component), and stores earlier versions of the given file. Thus, changes within the given file can be tracked. This feature of VSS aids developers in editing and tracking changes to a given file. However, the VSS history service does not specify a developmental relationship between different components. For instance, while the VSS history service may be useful in tracking the edit history of a given component, it does not specify the developmental relationship of the given component to any other components (e.g., whether the given component is an extension of or developed from another component, etc.). Accordingly, the VSS history service is useful in tracking edits to a given component, but fails to provide developers any insight as to the developmental relationship of the given component to other components in a repository. As the present application explains, enabling developers to understand how different firmware components have evolved through development from other firmware components is often helpful, particularly across different design centers.”

### **Independent Claim 12**

#### The following is Claim 12

(Currently Amended) A business method for development of firmware across a plurality of design centers, said business method comprising:

- defining a framework for firmware to be developed at different design centers;
- developing firmware as components within said framework at at least some of the design centers;
- depositing said components within a repository that is accessible by all of said design centers, wherein said repository includes contextual information about said components deposited therein and wherein said contextual information about said components comprises genealogy information for said components that specifies a developmental relationship between said components in said repository.

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The following is the Applicant's argument.

"The combination of Killian and VSS fails to teach or suggest at least the above emphasized element of claim 12. That is, as discussed above with claim 1, neither Killian nor VSS teaches or suggests contextual information about components that specifies a developmental relationship between the components."

#### **Independent Claim 20**

The following is Claim 20.

(Currently Amended) A system comprising:

a plurality of different design centers communicatively coupled by a communication network to a repository, said repository accessible by firmware developers of the design centers; and wherein said repository stores firmware components and contextual information for the firmware components and wherein said contextual information for the firmware components comprises genealogy information for said firmware components that specifies a developmental relationship between said firmware components in said repository.

The following is the Applicant's argument for claim 20.

"The combination of Killian and VSS fails to teach or suggest at least the above emphasized element of claim 20. That is, as discussed above with claim 1, neither Killian nor VSS teaches or suggests contextual information about firmware components that specifies a developmental relationship between the firmware components."

#### **VI. Allowability of the Dependent Claims**

The following is the Applicant's argument for the dependent claims.

"Dependent claims 2-8, 10-11, 13-18, and 22-25 each depend either directly or indirectly from respective independent claims 1, 12, and 20 and, thus, inherit all of the limitations of their respective independent claims. It is respectfully submitted that dependent claims 2-8, 10-11, 13-18, and 22-25 are allowable at least because of their dependence from their respective base claims for the reasons discussed above."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

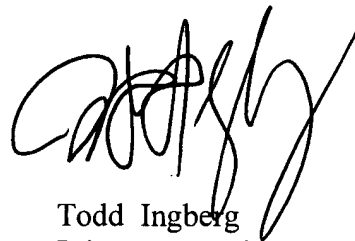
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### *Correspondence Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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